

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

X
MASTER FILE

REZULIN PRODUCTS LIABILITY LITIGATION
(MDL No. 1348)

00 Civ. 2843 (LAK)

This Document Relates to: All Cases

X
PRETRIAL ORDER NO. 466
(Common Benefit Fee Awards)

| |
|-----------------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED #: <u>5/4/09</u> |

LEWIS A. KAPLAN, *District Judge.*

This matter is before the Court on the motions by (1) the Plaintiffs' Executive Committee ("PEC") and Plaintiffs' Steering Committee ("PSC") for an award of counsel fees and other relief, to the extent not previously granted [00 Civ. 2843 docket item 5486], and (2) the motion of the Littlepage Firm, P.C. for leave to file objections thereto and a petition for an award of counsel fees and expenses to it [00 Civ. 2843 docket item 5490]. Subsequent to the filing of these papers, the PEC and PSC have reached agreement, contingent on the Court granting the motion of the Littlepage Firm for leave to file, with respect to awards of fees and expenses.

Having considered the papers before it, the Littlepage Firm's motion [docket item 5490] is granted insofar as it seeks leave to file a petition for an award of counsel fees and expenses and, in view of the agreement of counsel, denied insofar as it seeks leave to file objections to the PEC/PSC request. In addition,

- The Littlepage Firm's petition is granted to the extent that it is awarded counsel fees in the amount of \$75,000 and reimbursement of expenses in the amount of \$131,470 as agreed among counsel. [00 Civ. 2843 docket item 5495, Ex. A]
- The motion of the PEC/PSC [00 Civ. 2843 docket item 5486] is granted to the following extent:
 1. The Special Master shall be paid from CRIS Account I fees and out of pocket expenses in the aggregate amount of \$140,174.23, which the Court finds to have been reasonably and properly incurred in the course of providing common benefit work in this MDL.

2. Disbursements in the aggregate amount of \$6,697,089.62, which the Court finds to have been reasonably and properly incurred in the course of providing common benefit work in this MDL, shall be reimbursed out of the CRIS Account I as set forth in the "Final Submission" column on Exhibit C to the affidavit of Robert P. Enderle, Esq., in support of the PEC/PSC motion [00 Civ. 2843 docket item 5486]. The Special Master shall disburse those amounts directly to the firms in question as set forth in said Exhibit C.
3. Counsel fees in the aggregate amount of \$17,363,068.24 (the amount of the CRIS I account as of March 11, 2009 less the awards of disbursements, the Littlepage fee award and the payment to the Special Master), which the Court finds to have been reasonably and properly incurred in the course of providing common benefit work in this MDL, shall be paid out of the CRIS Account I to the Tier A, Tier B and Tier C firms identified in the affidavit of Arnold Levin, submitted in support of the PEC/PSC motion, in accordance with the Plan of Allocation set forth therein.

The PEC is directed to submit its views as to the appropriate disposition of any amounts remaining in the CRIS I and CRIS II accounts no later than May 15, 2009. As the entry of an order disposing of any such amounts will conclude this MDL, the Clerk is directed to (a) close any cases that remain open (other than 00 Civ. 2843), and (b) terminate any motions that remain pending in any of the cases in this MDL.

SO ORDERED.

Dated: May 4, 2009



Lewis A. Kaplan
United States District Judge